

**MINUTES OF THE COMMON COUNCIL
WORK SESSION
July 10, 2012
City Council Chambers – Rouss City Hall**

PRESENT: President Jeff Buettner; Councilor Evan Clark, John Hill, John Tagnesi and Ben Weber; Vice-Mayor Milt McInturff; Mayor Elizabeth Minor; Vice-President John Willingham (8)

ABSENT: Councilor Les Veach (1)

President Buettner called the meeting to order at 5:31 p.m.

Items for Discussion:

Discussion: Council's Expectations of Events Coordinator

City Manager Dale Iman stated he looked at the file and reviewed the U.S. Marketing proposal to do the Salsa Fest. The proposal was coming in at a loss. He stated one of Council's goals was to have profitable events. As he looked at the other goals of Council, he became more confused as to the intent of the Events Coordinator position. He stated the Parks Department lost money both years they sponsored the Salsa Fest. He asked Council for guidance on how Council would like to move forward.

President Buettner stated when Council first talked about this position it was designed for the whole city. Staff was asked to see if this could be done in-house or if it would be better to contract it out. He is not sure that ever happened or that the intent was to have it exclusively for downtown.

Vice-President Willingham stated he would like to know the schedule of events, what it's going to cost, and what the expected break-even point is.

President Buettner stated Council has talked about this for two years and still do not have a schedule in front of them.

President Buettner directed staff and support boards to flush out an idea for multi-year programming concentrating on bringing people downtown but looking at other venues as well and to bring the proposal back to Council as opposed to piecemealing it.

Vice-President Willingham asked that anticipated funding gaps be included in the proposal.

**O-2012-23: AN ORDINANCE TO ACCEPT THE CONVEYANCE OF
PROPERTY FROM SHENANDOAH UNIVERSITY AND VDOT; AND TO**

VACATE AND CONVEY PROPERTY TO SHENANDOAH UNIVERSITY, J.L. MEAGLE AND T.L. LIVERMAN, LLC; AND FLC & BROTHERS REBEL, INC., AND FLC & BROTHERS MOTEL, INC., IN FURTHERANCE OF THE MILLWOOD AVENUE PROJECT **SV-12-302**

Planning Director Tim Youmans presented a summary of each portion of land to be vacated to Shenandoah University and the adjoining property owners.

Councilor Clark asked if the City has ever vacated a property this big before and give it to an entity. Mr. Youmans stated the largest properties vacated in the past were to Selma and to residential property owners off of Cork Street. Councilor Clark asked if they paid for the property. Mr. Youmans confirmed they did. Councilor Clark stated people are asking him why SU is not paying for the land.

President Buettner asked what the current zoning is on the land. Mr. Youmans stated SU owns land that is zoned B-2. Under this proposal, they are not necessarily seeking rezoning. Mitch Moore, Vice-President for Advancement at SU, stated he understands it will be EIP zoning.

Vice-President Willingham stated although there is not a direct exchange of cash, there will be an improved entranceway on one of the busiest streets into the city and an improved storm water structure. The good outweighs the bad. The City also gave them 16 points to follow up on of which one of the most important was to have the adjacent property owners sign off on the deal.

Councilor Hill agreed. He stated SU has answered every question but he is interested in what they are doing for the community. He cannot say enough about their involvement with the city and their openness on what they are doing for the city. He agrees there should be some type of payment but what they are doing will pay for it too. He has heard from people who are opposed to the exchange simply because they do not like someone. He stated they are paying but he doesn't know if the citizens see that.

Councilor Weber stated he would not have supported this four years ago because that was all he saw of SU. Now, SU is seen downtown and in other places in the city. He stated the revised traffic pattern will make things easier for signing. He thinks information is not getting out there far enough. He stated the biggest benefit he sees is not the sign or storm water design but he hopes they take the land to further enhance SU and the financial impact on the city.

Mayor Minor thanked staff and SU for all of the work put into this project. She stated she still has the same concerns and does not think this is the right route for Winchester.

President Buettner stated he looked at the MPO Technical & Policy Boards, the OTDB, the Planning Commission, and the EDA and every single one of the bodies were for it.

Vice-President Willingham moved to forward all five items regarding Millwood Avenue to Council. *The motion was seconded by Councilor Weber then approved 6/2 with Mayor Minor and Councilor Clark voting in the negative.*

O-2012-24: AN ORDINANCE TO DEDICATE PROPERTY AS A PUBLIC RIGHT OF WAY FOR UNIVERSITY DRIVE; ACCEPT PROPERTY FROM SHENANDOAH UNIVERSITY, MAYFLOWER APPLE BLOSSOM LP; FLC & BROTHERS REBEL, INC. AND FLC & BROTHERS MOTEL, INC., AND ALLEN & ALIZZI HOLDINGS, LP, LLP AND DEDICATE THE SAME FOR PUBLIC RIGHT OF WAY PURPOSE IN FURTHERANCE OF THE MILLWOOD AVENUE PROJECT

Included in the previous action

Motion to recommend granting an exception per Section 8-1 of the Land Subdivision Ordinance to provide relief of the driveway spacing standards in Section 2-2-32.1 for a right-in/right-out driveway along E. Jubal Early Drive between S. Pleasant Valley Rd and Apple Blossom Drive

Included in the previous action

R-2012-52: Resolution – Authorization to Execute a Memorandum of Understanding for Easements in Furtherance of the Millwood Avenue Project

Included in the previous action

R-2012-53: Resolution – Authorization to Execute a Development Agreement regarding the Millwood Avenue Project

Included in the previous action

O-2012-25: AN ORDINANCE TO VACATE AN UNIMPROVED PORTION OF SPRING STREET RIGHT-OF-WAY AND CONVEY IT TO THE ADJACENT PROPERTY OWNER(S) **SV-12-261**

Mr. Youmans stated staff has received two requests for the same parcel. The original plan from JDC Winchester LLC included all of the property but it has been amended to only the southern half. Ms. Deaner amended her request to include everything north of the existing fence which she has been maintaining. Mr. Youmans presented Council with 4 options which included vacating the public street purpose but not conveying it to either property owner, conveying half of the property to each property owner, conveying the property along the fence line, or not conveying the property.

Thomas Lawson, attorney for JDC Winchester LLC, stated it was thought the property would be conveyed to JDC Winchester LLC with the property

improvements in the proffers. He suggested the property not be given away until the site plan is laid out for the new cul-de-sac and buffers.

Vice-Mayor McInturff moved to do nothing until required. *The motion was seconded by Councilor Clark then approved 7/1 with Councilor Weber voting in the negative.*

O-2012-26: AN ORDINANCE TO VACATE AN UNIMPROVED PORTION OF SPRING STREET RIGHT-OF-WAY AND CONVEY IT TO THE ADJACENT PROPERTY OWNER(S) **SV-12-265**

Included in the previous action

R-2012-48: Resolution – Authorization for water and sewer taps to be transferred from one location to another location within the city

Utilities Director Perry Eisenach stated Council approved increases for the water and sewer taps in 2004 and gave developers who have already subdivided properties before the chance to buy taps at the lower price. Most of those taps have been hooked up but due to the slower economy, there are still 49 that have not been built, 4 in the city and 45 in the county. Staff has received a request from Oakcrest to transfer taps from 3 lots in the county to 3 lots in the city. Mr. Eisenach stated Council has the options of saying no, yes with no restrictions, or yes to locations within the city limits. He stated option 3 would be good for the utilities revenue and give incentive for development in the city.

Mayor Minor moved to forward R-2012-48 to Council with option 3. *The motion was seconded by Vice-Mayor McInturff then approved 8/o.*

R-2012-50: Resolution – Authorization to apply for Virginia Department of Health Child & Adult Care Food Program for partial reimbursement for food and snacks for park after-school and camp programs

Parks Director Brad Veach presented the request to apply for grant funding with the Department of Health for the Child and Adult Food Program. The funding will be used for snacks during the after school program and summer camps.

Councilor Clark moved to forward R-2012-50 to Council. *The motion was seconded by Councilor Hill then approved 8/o.*

R-2012-49: Resolution – Approval of the schedule of regular Council meeting for the period of July 10, 2012 through June 30, 2013

Vice-Mayor McInturff moved to forward R-2012-49 to Council. *The motion was seconded by Councilor Weber then approved 8/o.*

R-2012-51: Resolution – Approval to refund \$42,413.20 to General Electric Credit Corporation of Tennessee for overpayment of Business Tangible Personal Property Taxes

Applicant withdrew the item prior to the meeting.

Report of Liaisons

Adjourn

Vice-President Willingham moved to adjourn the meeting at 7:01 p.m. *The motion was seconded and approved 8/o.*